

MARYSVILLE CITY COUNCIL MINUTES

NOVEMBER 12, 1991

7:00 p.m.

Council Chambers

Present: Rita Matheny, Mayor
Councilmembers:
 Ken Baxter, Mayor Pro Tem
 Dave McGee
 Dave Weiser
 Donna Pedersen
 Donna Wright (excused)
 Lee Cundiff
 Bob Lashua
Administrative Staff:
 Carolyn Sanden, City Administrator
 Grant Weed, City Attorney (7:11 p.m.)
 Phil Dexter, City Clerk/Finance Director
 Lt. Walt McKinney, Marysville Police Dept.
 Wanda Iverson, Recording Secretary

CALL TO ORDER:

Mayor Matheny called the meeting to order at 7:00 p.m. and led the flag salute.

ROLL CALL:

Finance Director/City Clerk Dexter called the roll with all members present/absent as indicated above. Councilor Pedersen moved and Councilor McGee seconded that Councilor Wright's absence be excused. Passed unanimously.

MINUTES OF PREVIOUS MEETING:

Councilor McGee moved and Councilor Lashua seconded to approve the minutes of the 11/4/91 City Council meeting as written. Passed unanimously.

STAFF'S BUSINESS:**1. Update on ULID No. 15.**

Walt McKinney, 5617 92nd Pl. NE, addressed Council stating he was one of the original proponents of ULID 15 and helped obtain a sufficient number of people in favor of ULID No. 15 but now the neighbors seem to have gone against him. He stated he has a failed septic system and will have to rent a Sanican at \$69/month starting next week. He said he knows these people are only fooling themselves into thinking they don't need sewer because the Health Department has indicated they are all basically in the same position he is and none of them had the common decency to let him know what was going on. He said everyone in the neighborhood has now decided against the ULID by way of a recent petition and he noted that one of the signatures on the petition against the ULID may not be valid because it's supposed to be a person who has Alzheimer's Disease and cannot sign his name--he owns two lots in the subdivision.

Councilor Weiser asked about recourse with regard to signatures on the petition and City Attorney Weed said he was not sure what the policy is to verify the signatures but he would suggest something be set up, eg. a notary block on the form so the City has someone witnessing the signatures.

Councilor Weiser asked what percentage of the neighborhood are now against the ULID and Lt. McKinney stated he understands 57%. He added that he feels sorry for these people because they are going to have to put in sewers soon and construction costs are not going to go down. He noted they would not have to pay it all upfront on the ULID, either.

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Councilor Pedersen asked about options for Lt. McKinney at this point and City Attorney Weed stated there is the possibility for those who are in favor to finance the sewer on their own with a latecomers' agreement and option 2 would be for the City to fund the project with those having to come on line at a later time, paying for their portion at the time they hook up to the sewer.

Mayor Matheny noted that after having the Budget Workshop this evening, it is evident that the City is not in very good shape or in a position to fund this ULID.

Councilor Baxter asked how far away from the main sewer line Lt. McKinney is and Lt. McKinney said he did not know but there is a possibility he could hook in with the man behind him.

Councilor Baxter said he was thinking of a temporary 2" force main and Lt. McKinney said he would be open to any options/suggestions.

Councilor Pedersen asked how long he would have to wait before proceeding with a ULID again and City Attorney Weed said he would have to check into whether or not there is a time limit.

Lt. McKinney said he did not expect the sewer to go in until spring now because he has missed this year's construction season, but he can't afford to have his septic tank pumped every 3 months on an ongoing basis. He noted his whole backyard is clay and therefore a "drainfield" now, in the rainy season.

Councilor Pedersen asked about the neighborhood meeting that was held and Finance Director Dexter said the City staff who attended felt the meeting went well, that all questions were answered and in fact, one of the neighbors had even said they may change their mind from being in opposition.

Councilor Pedersen asked about the date of the signatures on the petition and Finance Director Dexter said the petition against the ULID was not signed until the 28th & 29th of October, which was well after the neighborhood meeting.

Mayor Matheny asked if this neighborhood is still in the county and Lt. McKinney responded yes. He added that he was a little amazed at the cost coming out to \$5700 also, but he has to have sewer and it's possible he will have to look into proceeding against the people who signed the petition against the ULID now. He pointed out that there is a health hazard in the neighborhood and he just doesn't know what the answer is.

Mayor Matheny asked about the meeting with Dave Zabell and Councilor McGee said he would like to see a list of all the options. Mayor Matheny directed the City Administrator to bring that before City Council for next meeting.

Lt. McKinney stated he does not want to have to go back through the neighborhood with a new proposal and have them slam doors in his face.

MAYOR'S BUSINESS:

Mayor Matheny extended condolences to Audrey Black's family and co-workers. She also noted there are two openings on the Planning Commission coming up, created by Kelly Burt and Otto Herman. She said she would like to appoint Jack Lybyer as one of the Commissioners, with Mayor-elect Weiser to make the other appointment at a later date.

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Councilor Pedersen moved and Councilor Baxter seconded to affirm the appointment of Jack Lybyer to the Planning Commission. Passed unanimously.

CALL ON COUNCILMEMBERS:

Councilor Weiser noted that the Planning Commission meeting tomorrow night has to do with 2929, sensitive areas and transfer of development rights.

Councilor Pedersen also expressed sympathy with regard to Audrey Black's death and thanked staff for consideration with respect to fellow employees and paramedics.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Bud Darling, 1916 Grove St., addressed Council and stated that last week he and fellow developers and attorneys had a meeting with the Pollution Control Board in Lacey trying to get some relief on the sewer ban. He said the PCB felt the process should start with the City of Marysville and according to them, if there's been any improvement, the Consent Order can be reviewed. He noted his group has come before City Council many times and the City has only come up with 10% of the sewer hookups which is a very negligible amount, especially considering 940 are vested and the City has only used 78 since the beginning of the year. He noted that Mr. Wade felt 300 per year would be appropriate and could be easily handled by the system and he said Mr. Harrison of the PCB felt with all the positive improvements with the sewer lagoon, there's a good chance of allowing some relief. Mr. Darling suggested City Administrator Sanden and/or City Attorney Weed should meet with the DOE to see if there's any way we can get some relief. He noted that they did not get anything in writing but City Attorney Weed was in attendance at the meeting.

City Attorney Weed pointed out this is a matter that's still under litigation and the case was dismissed at the PCB hearing. Mr. Darling is correct in saying that the five developers were before City Council and the PCB said they would hear more on this providing nothing more can come from the City, he said. He said he would encourage the City to see if some dialogue can be started between the City, the developers and the DOE. He added that discussions would have to be held off the record in order to protect all parties and he noted this was discussed in last week's executive session.

Mayor Matheny asked if the sewer lagoon is presently in compliance with the DOE's Consent Order and City Attorney Weed stated it is in compliance. He added that at the Pollution Control Board hearing, it came out that there is a difference of opinion with regard to capacity, impact, etc. among the experts.

Councilor Weiser said maybe these differences would come out in a discussion and he asked when the City would reach a period when the Consent Order could be over. He said he would like to see some discussion about that.

City Attorney Weed said once the Wastewater Treatment Facility is upgraded the Consent Order can be lifted and it is possible it can be relaxed between now and then, although everyone may not agree on that, he said. He added that he thinks it would be perfectly appropriate for discussions to begin, that the buck stops with the DOE so we need to have them involved.

Councilor Baxter asked who Mr. Harrison is and Mr. Darling respon-

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ded that he is the Appeals Judge of the Pollution Control Board.

Councilor Pedersen said she would like discussions to include the DOE so we get direct communications and Councilors McGee, Cundiff and Lashua agreed with this.

City Attorney Weed said he would be more than happy to coordinate such discussions/meetings and Mr. Darling noted that the DOE was willing to meet but that he thought they expected the City to ask for the meeting.

City Attorney Weed said Mr. Darling has taken the first step and the City has indicated willingness to meet, so it is now appropriate to proceed from here in discussions/meetings with the DOE.

Shoultes Annexation

Jim Mulligan, 7922 56th Dr. NE, addressed Council and handed out vicinity maps. He stated he is proposing an annexation delineated in "orange", contiguous to the other three pending annexations-- Leifer (Northwest Annexation), Nobach Annexation and the Quil Ceda Auto Annexation. He stated this proposal has been reviewed by the City Attorney and the proponents are suggesting a 10% petition be considered with the Nobach Annexation and Larry Nobach has given his endorsement, he said. He noted that with the two being proposed together, the proponents feel it would make a stronger case.

Councilor Weiser asked if Nobach would have to start over with his 60% petition and City Attorney Weed stated one concern might be that with the change in size of the annexation, it could be misleading to those who have signed but with the 10% petition a 60% public hearing could be held at the same time as the Nobach 60% petition, to be considered jointly.

City Administrator Sanden noted for the Council's information, each 60% petition for annexation would have to be considered separately and also, there is a 6 month life on the signatures of the petition.

Mr. Mulligan asked for clarification of when signatures on the petition would be certified and City Administrator Sanden stated she would check further on that for him.

Anne Carlson, 9225 58th Dr. NE, addressed Council regarding ULID No. 15. She stated they still don't know where the people who are opposed to it stand.

Finance Director Dexter explained that on 11/8/91 he wrote to the bond counsel stating there were 57.3% in protest of ULID No. 15 and they are to prepare a document to abandon the project.

City Attorney Weed stated the ordinance would be passed in two weeks to repeal the prior ordinance for ULID No. 15.

Ms. Carlson asked if a health hazard could affect the process and City Attorney Weed stated that would not be an issue in repealing unless there is 40% in opposition and the ULID is still in effect until it's repealed.

City Administrator Sanden pointed out that City Council has asked for alternatives and one of those may be that the City would fund the project themselves.

Ms. Carlson asked about the engineering and survey fees, etc. and

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City Administrator Sanden said one possibility is the City can construct it and then when others want to come in, they would pay at that time. City Attorney Weed noted that the City does have the right to collect the engineering fees, etc. Finance Director Dexter added his explanation as to the engineering, surveying costs, etc.

Ms. Carlson said it's not worth it to her to spend \$722 per year. She added there are a lot of people who have had a sewer line in front of their home for 20 years and they have not used it yet. She also explained that she knows the person who has the power of attorney for Mr. Tiegman, the gentleman with Alzheimer's Disease. She concluded that they are not out to scam anybody, it's just that additional information had come to light and people changed their minds and are now in opposition to the ULID.

Finance Director Dexter explained the engineering fees he believes are about \$2,000 to \$2,500 and the ones who would share in that cost would be the original petition signers.

Ms. Carlson commended the City on conducting a good neighborhood meeting and answering all the questions they had. She said she thought it was very well handled and asked which petition signers would be responsible for the engineering fees, because there were actually two petitions signed originally.

Finance Director Dexter said it would be the 60% petition signers.

Councilor Cundiff asked about the sewer line location and Ms. Carlson explained it's right next to her property and she wished Lt. McKinney lived where she does and she lived where he does-- that would solve the whole problem for him, she said.

John Fales, owner of Lot 2, addressed Council and said he would like to see the City drop the charges because the people he didn't think were aware of what they were signing, originally.

Finance Director Dexter said he believed it was in capital letters but he didn't have the petition in front of him, so couldn't be sure.

Dan Simkins, 5712 92nd Pl. NE, addressed Council and stated he has spoken with Walt McKinney and not all the neighbors have faith in septic. He said they understood the cost was going to be \$2,500 originally and now it's up to \$5,700 and they can't even hook up to it. As far as the standing surface water, there is a problem there and north of them has hooked into a storm drain and some houses are on sumps but that's the only overflow he is aware of, he said. He added he would like to see the City pick up the cost on the surveying, also.

Councilor Baxter requested that the exact engineering and surveying costs be outlined at the next Council meeting, for their information.

CONSENT AGENDA:

1. 10/31/91 Payroll checks in the amount of \$419,583.69.
2. 11/12/91 Claims Checks in the amount of \$113,682.83.

Councilor Lashua asked about Voucher #3926 - \$33,500 interest on bonds. Finance Director Dexter explained this is to do with a transfer of bond expense regarding the Stillaguamish Well, with an Economic Development grant picking up the expense. He noted the bond is due in 2017.

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Councilor McGee asked about Voucher 3965 payable to Micro Computers and Finance Director Dexter explained this is for a computer under the Recycling Grant for the Utilities (Garbage) Dept.

Councilor Lashua asked about Voucher 3922 for \$2,400 for the City's sponsoring physician (Dr. Smith) and City Administrator Sanden explained this is Dr. Smith's annual fee for certifying EMTs, giving the City medical support, etc.

Councilor McGee moved and Councilor Baxter seconded to approve Consent Agenda Items 1 & 2. Passed unanimously.

3. Reimbursement for Oversizing the Sewer Main for Cascade 51st Addition (97th St. NE).

Councilor Baxter moved and Councilor Lashua seconded to approve Consent Agenda #3. Passed unanimously.

ORDINANCES & RESOLUTIONS:

1. Ordinance amending MMC Section 6.58.030 relating to Possession and Consumption of Alcohol by Minors.

City Attorney Weed explained this amendment is in compliance with a recent Supreme Court ruling regarding a minor who has consumed alcohol. He explained that this has come about as the result of a Cowlitz County unconstitutional municipal code.

Councilor Weiser moved and Councilor Pedersen seconded to approve/adopt Ordinance 1863. Passed unanimously.

2. Resolution to Approve Amendments to the Interlocal Agreement Creating the Washington Cities Insurance Authority.

Councilor Lashua made the comment that this would give management more authority to raise rates and City Administrator Sanden agreed it would change the rate structure/parameters and also would require a 2/3 majority vs. unanimous voting requirement.

Councilor Lashua asked about the Governmental Accounting Standards Board (GASB) and Councilor Cundiff explained it is an assessment company which has the authority to make increased assessments when the expenses go up.

City Administrator Sanden pointed out that Marysville's assessment did go up this year.

Councilor Cundiff noted the only problem there would be if you ran out of cities that are members but Councilor Lashua assured Council there are over 70 cities participating and there has been an increase every year.

Councilor Lashua moved and Councilor Baxter seconded to approve/adopt Resolution 1508. Passed unanimously.

3. Resolution Stating its Intention to Annex Certain Property into the City and Transmitting the Matter to the Snohomish County Boundary Review Board for Approval.

City Attorney Weed explained this is concerning the Southeast Annexation.

Councilor Weiser moved and Councilor McGee seconded to approve/adopt Resolution 1509. Passed unanimously.

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LEGAL MATTERS: None.

BUDGET MATTERS:

Councilor Baxter asked about the City Hall Roof project and City Administrator Sanden reported it will cost \$110,000 with 50% to come out of the Utilities account and \$20,000 per year out of the General Fund.

ADJOURNED INTO EXECUTIVE SESSION: 8:10 p.m.

1. Personnel.

RECONVENED & ADJOURNED: Approx. 8:40 p.m.

Accepted this 25th day of November, 1991.

Leta Matheny
MAYOR

Phillip E. Dexter
CITY CLERK

Wanda A. Iverson
RECORDING SECRETARY